

1 **ALABAMA ONSITE WASTEWATER BOARD**

2 **MINUTES OF MEETING**

3 October 23, 2018

4 The one hundred-second quarterly meeting of the ALABAMA ONSITE
5 WASTEWATER BOARD (hereinafter referred to as “the Board”) was called to order at
6 9:00 a.m., October 23, 2018, at the Board’s administrative offices located at 60
7 Commerce Street, Suite 1500 by Randall Anderson, Chairman.

8 **PRESENT**

9 Board Members present – Michelle Stephens, David Mastin, Sharon Kimbrough, Dr.
10 Kevin White, Brent Bradshaw and Leigh Willis. Officers present were Randall
11 Anderson-Chair; and David Vogelgesang, Treasurer. Other guests: Melissa Hines
12 (Executive Director), Tracy Welch (AOWB), Robert Joiner (AOWB), Paul R. “Bo”
13 Cooper-Board Attorney, Randy Salle- Administrative Hearing Officer, along with Bob
14 Ike Bright, Russell Harry, Brandi Rose, Natalie Parsons, Matt Conner and Ted Micher –
15 all employees of Alabama Department of Public Health (ADPH).

16 **EXECUTIVE SESSION** – at 9:06 Leigh Willis made the motion to go into Executive
17 Session to discuss the good name and moral character of David Mastin for approximately
18 10 minutes; David Vogelgesang seconded the motion. Roll Call Vote: Michael Dansby
19 – Absent; Michelle Stephens - Yes; David Mastin – Yes; Sharon Kimbrough - Yes; Brent
20 Bradshaw - Yes; Dr. Kevin White - Yes; Leigh Willis- Yes and David Vogelgesang- Yes.
21 All approved, motion carries. At 9:13 Michele Stephens made the motion to return from

22 Executive Session; David Vogelgesang seconded the motion. All approved by a show of
23 hands.

24 **NEW BOARD MEMBER AND ATTORNEY FOR THE BOARD** – Executive
25 Director, Melissa Hines, introduced new member Brent Bradshaw who is filling the
26 vacant seat that was open to represent the Pumpers of State of Alabama and introduced
27 Paul “Bo” Cooper, who will now serve as the Board’s attorney.

28 **ELECTION OF VICE-CHAIR** – The Board will not hold an election for this position
29 at this time; the Vice-Chair position will be filled after the Board elections held annually
30 in January.

31 **MINUTES**

32 David Mastin made motion to accept the minutes from July 24, 2018 as presented; Leigh
33 Willis seconded the motion; by a show of hands, the minutes were approved as presented,
34 and the motion carries.

35 **TREASURERS REPORT**

36 David Vogelgesang, Treasurer, presented the treasurers report. A copy of the report was
37 included in the Board Member packets. We ended the 4th quarter on a good note, despite
38 the **\$52,257.01** that had to be transferred back to the General Fund. Mr. Vogelgesang
39 wanted to point out that although we will no longer have the **\$13,000.00** quarterly
40 expense for STAARS Advantage system, we will have a maintenance fee of \$155.00 a
41 month. Kronos (eStart, timecard program) will also implement a \$70.00 monthly
42 maintenance fee. Leigh Willis made the motion to approve the treasurers report as
43 presented. David Mastin seconded the motion. By a show of hands, the Treasurers
44 Report was accepted unanimously, and the motion carries.

45 **Administrative Hearings** began at 9:20 a.m. The Board held Administrative Hearings on
46 the following: *Edwin McGuire – 2018-0071; Tony Woodard – 2018-0001; Andy Wooden*
47 *– 2018-0032; Russell Yeckley – 2018-0025*. The Administrative Hearings were presided
48 over by Randy Salle. Once Mr. Salle receives the transcripts, he will make his
49 recommendation to The Board at the January Board Meeting. The Administrative
50 Hearings were completed at 11:56 a.m.

51 **SPECIAL GUEST** - Matt Bledsoe, with the Attorney General's Office, came to speak
52 to The Board regarding the case against American Plumbing and Drain case. Executive
53 Director, Melissa Hines, confirmed that all parties, R Josh Pesnell; Richard G Pesnell and
54 Jessica Pesnell have all turned in their licenses to AOWB and will no longer be allowed
55 to work in the State of Alabama as it pertains to septic business.

56 **EXECUTIVE SESSION** – At 12:36, Leigh Willis made the motion that The Board go
57 into Executive Session to discuss the Rulings and Recommendations; Brent Bradshaw
58 seconded the motion. At 12:45, David Mastin made the motion to come out of Executive
59 Session; Brent Bradshaw seconded the motion. All approved, motion carries.

60 **RULINGS - RECOMMENDATIONS**

61 Executive Director, Melissa Hines, presented the Complaints.

62 **Complaint #2018-0018 - Jimmy Lightsey**; the Executive Director called for a motion
63 from the board. Sharon Kimbrough made the motion to fine Mr. Jimmy Lightsey
64 \$1000.00 on the complaint; David Vogelgesang seconded the motion. Roll Call Vote:
65 Michael Dansby – Absent; Michelle Stephens - Yes; David Mastin – abstain; Sharon
66 Kimbrough - Yes; Brent Bradshaw - abstain; Dr. Kevin White - Yes; Leigh Willis-
67 abstain and David Vogelgesang- Yes. Motion carries.

68 **Complaint #2018-0023 - Willie J. Parker;** the Executive Director called for a motion
69 from the board. Dr. Kevin White made the motion to find Mr. Willie Parker guilty on
70 this complaint and fine him \$250.00; Sharon Kimbrough seconded the motion. Roll Call
71 Vote: Michael Dansby – Absent; Michelle Stephens - Yes; David Mastin – Yes; Sharon
72 Kimbrough - Yes; Brent Bradshaw - abstain; Dr. Kevin White - Yes; Leigh Willis-
73 abstain and David Vogelgesang- Yes. Motion carries.

74 **Complaint #2018-0020 – Patrick Price;** the Executive Director called for a motion from
75 the board. Sharon Kimbrough made the motion to fine Mr. Price \$2000.00, \$1000.00 for
76 each of the two counts; David Mastin seconded the motion. Roll Call Vote: Michael
77 Dansby – Absent; Michelle Stephens - Yes; David Mastin – Yes; Sharon Kimbrough -
78 Yes; Brent Bradshaw - abstain; Dr. Kevin White - Yes; Leigh Willis- abstain and David
79 Vogelgesang- Yes. Motion carries.

80 **Complaint #2018-0022 – Patrick Price;** the Executive Director called for a motion from
81 the board. Sharon Kimbrough made the motion to fine Mr. Price \$2000.00, \$1000.00 for
82 each of the two counts; David Mastin seconded the motion. Roll Call Vote: Michael
83 Dansby – Absent; Michelle Stephens - Yes; David Mastin – Yes; Sharon Kimbrough -
84 Yes; Brent Bradshaw - abstain; Dr. Kevin White - Yes; Leigh Willis- abstain and David
85 Vogelgesang- Yes. Motion carries with agreement to accept payment arrangements.

86 **CONSENT AGREEMENTS presented by Melissa Hines, Executive Director.**

87 **Case #2018-0031 –** This individual installed in Tuscaloosa County without a permit. A
88 consent agreement for \$1000.00 was received and returned by the individual with a check
89 for \$1000.00, which has cleared the bank. Michelle Stephens made the motion to accept
90 the consent agreement; David Mastin seconded the motion. Roll Call Vote: Michael

Dansby – Absent; Michelle Stephens - Yes; David Mastin – Yes; Sharon Kimbrough - Yes; Brent Bradshaw - abstain; Dr. Kevin White - Yes; Leigh Willis- abstain and David Vogelgesang- Yes. Motion carries. The individual is Brandon Bice.

Case #2017-0068 – No permit; no license, occurred in Bullock County. The individual was sent a consent agreement for \$2000.00 and the final payment was received this week. David Mastin made the motion to accept the consent agreement; David Vogelgesang seconded the motion. Roll Call Vote: Michael Dansby – Absent; Michelle Stephens - Yes; David Mastin – Yes; Sharon Kimbrough - Yes; Brent Bradshaw - Yes; Dr. Kevin White - Yes; Leigh Willis- abstain and David Vogelgesang- Yes. Motion carries. The individual is Robert Glassco.

Case #2018-0027 – No license; no permit. This individual was sent a consent agreement for \$800.00 and has paid in full. *(Executive Director Hines made this offer because after she reviewed information on this individual, it was discovered that previous Executive Director, Mike Talley, had a consent agreement with the same individual in 2011 and there is still \$500.00 due to the Board). There was discussion about the \$500.00 that was still due by this individual as the Board would like to continue efforts to encourage the individual to pay the 2011 agreement in full as well.* Michelle Stephens made the motion to accept the consent agreement on Case #2018-0027; Sharon Kimbrough seconded the motion. Roll Call Vote: Michael Dansby – Absent; Michelle Stephens - Yes; David Mastin – Yes; Sharon Kimbrough - Yes; Brent Bradshaw - Yes; Dr. Kevin White - Yes; Leigh Willis- abstain and David Vogelgesang- Yes. Motion carries. The individual is Kenneth Neff.

Case #2017-0065 – No license; no permit (Hale County) – 1st time offender. This individual was sent a consent agreement for \$1000.00 - \$500.00 on each of the 2 counts and has been paid in full. Sharon Kimbrough made the motion to accept the Consent Agreement; David Mastin seconded the motion. Roll Call Vote: Michael Dansby – Absent; Michelle Stephens - Yes; David Mastin – Yes; Sharon Kimbrough - Yes; Brent Bradshaw - Yes; Dr. Kevin White - Yes; Leigh Willis- abstain and David Vogelgesang - Yes. Motion carries. The individual is Eric Fields.

Case #2018-0029 – Installation without license or permit in Lincoln, Alabama. This individual was sent a consent agreement for \$1200.00; \$600.00 on each of the 2 counts. This was paid in full by a personal money order. David Vogelgesang made the motion to accept the consent agreement; Brent Bradshaw seconded the motion. Roll Call Vote: Michael Dansby – Absent; Michelle Stephens - Yes; David Mastin – Yes; Sharon Kimbrough - Yes; Brent Bradshaw - Yes; Dr. Kevin White - Yes; Leigh Willis- abstain and David Vogelgesang- Yes. Motion carries. The individual is David Dulaney.

EXECUTIVE DIRECTORS REPORT

Melissa Hines (Executive Director) requested two Attorney General opinions and they contacted AOWB back and said they will require a resolution of the Board requesting the Attorney General's office to review any requests and provide the opinions. *A.G. Opinion request #1a* - Should the AOWB be licensing individuals that pump strictly grease, fats, oils, solids and food scraps? *A.G. Opinion request #1b* – Do grease traps have to be connected to a city sewer, a septic tank or either one? Brent Bradshaw made a motion that the Board submit a resolution to the Attorney General's office requesting legal opinions of the questions posed. David Mastin seconded the motion. By a show of

hands, the motion passes unanimously. *A.G. Opinion request #2* – Seeking opinion on who should replace pumps. In the AOWB Law & Regulations, 628-x-3-.01 Requirement For Licensing An Advanced Level II Installers License allows for all work done under the Basic and Advanced Level I Installers License and for installation, servicing, replacing lids, repairing, or maintaining all systems 1201 GPD (1801) and above, including multiple pump systems with timed dosing requirements and other advanced technology systems.....would like an opinion as to who should *replace or repair* any (outside) pumps, Plumbers or Advanced Level II Installers. Sharon Kimbrough made a motion that the Board submit a resolution to the Attorney General's office requesting a legal opinion. David Mastin seconded the motion. By a show of hands, the motion passes unanimously.

SEPTIC TANK INSPECTION (for sale of homes)

Currently there is no standard, training, or form in place for real estate inspections required in the sale of a home. Executive Director, Melissa Hines, has talked to Pat Anderson with the Real Estate Commission Board and she agrees that something needs to be put in place. Executive Director Hines attended the 10/20/18 meeting of AOWA and she presented Septic Tank Inspection issue and they were in favor of working to standardize these types of inspections and agree to add a Septic Tank Inspection course into their education program. Executive Director Hines advised that a draft of a Septic Inspection Checklist form will be presented at the January Board meeting. Discussion was had amongst the Board of a standard being set, certification required to be a Septic Tank Inspector, possible costs of certification license, if system has permit, system would

have to be up to code, which type license holders (Basic Installer / Pumper /Advanced Level I / Advanced Level II) should be able to attend Inspection Certification classes.

Discussion of eliminating bonds at 10/20/18 AOWA meeting – AOWB Chair Randy Anderson and Executive Director Melissa Hines made the Board aware that it was presented to AOWA a possibility of looking to eliminate bonds. AOWA did not approve of this possible action.

SUNSET COMMITTEE – We are expecting a short audit in December; hopefully the committee will extend the Board for three (3) more years.

BOARD TRAINING – As the Board may recall, the Executive Director received a letter from the Board of Examiners of Public Accounts announcing the return of their Board/Commission Training. The first Training was scheduled for September 12, 2018 from 9:00 a.m. to 3:00 p.m. The first training was held September 12, 2018; Executive Director Melissa Hines, Accounting Technician Tracy Welch, Board Member Leigh Willis and Board Member Sharon Kimbrough were in attendance. There will be other training scheduled in December (12/5/18), March and June to give Board/Commission Members and staff multiple dates in which to attend. The Board of Examiners **highly** encourages Board Members, Executive Directors, accounting personnel and attorneys to attend.

ENFORCEMENT REPORT

Compliance Visits – 46; Complaints pending Probable Cause – 6; Complaints received for the Quarter – 6; There were 0 manufacturing plant visits.

NEW BUSINESS – None.

181 **UNFINISHED BUSINESS - AOWB RULE REVISION** – Executive Director Melissa
182 Hines has not heard from any Board Members, except for Chair Randy Anderson
183 regarding the rule revision. As there are no objections or revision requests, the Rule
184 Committee will proceed.

185 **BOARD MEMBER REPORTS**

186 CONTINUING EDUCATION - Dr. Kevin White reported Allen Tartt has submitted
187 continuing education of training classes AOWA/UWA for 2019. There are 29 courses
188 listed. Executive Director Melissa Hines requested that on #5 **Professional Inspections**
189 **of Onsite Systems**, an Advanced Level II Installer teach this class and she recommended
190 Brent Bradshaw; Dr. White agreed this could be done and accepted her recommendation.
191 Other continuing education training included: **Orenco Webinars online classes (NEW -**
192 **most at no cost), WWETT SHOW 2019 (formerly the Pumper Show – Indianapolis),**
193 **PSAI and Portable Sanitation Association – Nuts & Bolts Educational Conference.**
194 Dr. White made the motion that the Board approves all but #25 of the AOWA Continuing
195 Education programs. Michelle Stephens seconded the motion. By a show of hands, the
196 motion passed unanimously. ****Please note that Red Vector has not submitted their*
197 *2019 Education programs at this time. ****

198 HEALTH DEPARTMENT – Leigh Willis advised that ADPH will go around to the
199 different districts to train Health Departments again on repair policies.

200 LOWNDES COUNTY – Leigh Willis briefed the Board on Lowndes County. The
201 Health Department has applied for and are awaiting approval of Lowndes County
202 Unincorporated USDA Grant. 2 extra Environmentalists will be hired to inspect that the
203 systems are being maintained properly; if they are not being maintained properly then

204 their warranty is void. The Health Department will provide equipment. There will be
205 about 100 homes completed because the Health Department is doing this as a pilot to
206 show how it can be done. The bidders for the Lowndes County project will have to be a
207 Level I or Level II licensee with no charges or complaints; these will be mainly
208 engineered systems. Executive Director Melissa Hines advised that AOWB has a
209 compliance process and training being set up as to what the citizens should and should
210 not do with their system.

211 **ADJOURNMENT**

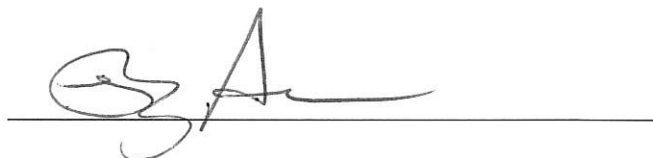
212 David Vogelgesang made the motion to adjourn at 2:06 p.m.; David Mastin seconded the
213 motion. By a show of hands, the motion to adjourn was approved unanimously. The
214 next quarterly meeting will be held on January 24, 2019.

215

216 Minutes submitted by: Tracy Welch

217

218 Approved by: Randall Anderson



219

220 Recording Secretary

